

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bal Ram Singh et al. Art Unit : 1656
Serial No. : 10/766,283 Examiner : Chih Min Kam
Filed : January 27, 2004 Confirmation No.: 3757
Title : NOVEL PROTEINS WITHIN THE TYPE E BOTULINUM NEUROTOXIN
COMPLEX Notice of Allowance Date: May 29, 2008

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed May 29, 2008, enclosed is a completed issue fee transmittal form PTOL-85b.

Applicants respectfully point out that there is a typographical error in the Examiner's Amendment to the Specification. The paragraph at page 2 of the preliminary amendment filed January 27, 2004, was amended by the Examiner to read, "[t]his application claims is a divisional..." Applicants submit that the insertion of the term "claims" is incorrect and request that it be deleted.

The fee in the total amount of \$1020 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06 1050, referencing Attorney Docket No. 08387-0002003.

Respectfully submitted,

Date: 8/29/08


Todd E. Garcia, Ph.D.
Reg. No. 54,112

Fish & Richardson P.C.
Customer No. 26161
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

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I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date:

August _____, 2008

PART B – FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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26161 7590 05/29/2008

**FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022**

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,283	01/27/2004	Bal Ram Singh	08387-0002003	3757
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TITLE OF INVENTION: NOVEL PROTEINS WITHIN THE TYPE E BOTULINUM NEUROTOXIN COMPLEX

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	YES	\$720	\$300	\$1020	08/29/2008
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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KAM, CHIH MIN	1656	424-239100
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122 attached).

"Fee Address" indication (or "Fee Address" Indication form PTO/SE/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Fish & Richardson P.C.

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

University of Massachusetts

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

Boston, MA

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-1050 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered agent or; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

(Date)

8/29/08

Typed or Printed Name

Todd E. Garcia, Ph.D.

Registration No.

54,112

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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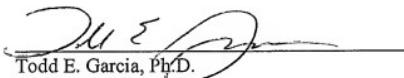
COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicants acknowledge the Examiner's conclusion that the present claims are allowable over the prior art of record. However, Applicants do not concede that the Examiner's reasons for allowance are accurate or complete, or that there are not other good reasons of record for patentability of the allowed claims. Applicants reserve the right to pursue the original claims, unamended, in one or more continuation applications.

Please apply any additional charges or credits to our Deposit Account No. 06 1050, referencing Attorney Docket No. 08387-0002003.

Respectfully submitted,

Date: 8/21/08


Todd E. Garcia, Ph.D.
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